

REMARKS

Applicants respectfully renew the traversal made in Response to the Restriction Requirement mailed January 18, 2000. In the Restriction Requirement, Examiner Le restricted the then pending claims to fifteen (15) groups of inventions. Several groups of inventions can be classified in the same class and subclass. For example, Group IV and particularly claim 44 can be classified in the same class and subclass as the elected Group XII (claim 102). Similarly, claims 57 and 58 can be classified in the same class and subclass as the elected Group XII. Similarly, method claim 115 can be classified in the same class and subclass as the elected Group XII. Also Groups X and XI were classified in the same class and subclass.

Applicants cancelled claims 1 – 41, 61 – 71, 78, and 84 – 97, without prejudice in favor of a divisional or continuation application. Applicants introduced new dependent claims 116 – 125, fully supported by the original specification.

In the Office Action dated August 23, 2005, the Examiner rejected claims 102 - 104 under 35 U.S.C. §102 as being unpatentable over US Patent 5,104,705 to Quackenbush. Applicants respectfully disagree with these rejections for the following reasons:

The teaching of US Patent 5,104,705 to Quackenbush is directed to a small diameter plastic capillary tubes designed to replace glass capillary tubes, which capillary tubes are used in medicine to draw blood or other fluid samples from a small puncture wound made in a patient's finger. "Although tubes of different sizes can be used depending on blood type and type of test performed, all the tubes are very small-diameter tubes which draw blood by virtue of the inherent capillary action of the tube." Quackenbush does not disclose an aliquot carrier including a fluid-retaining aperture and a deposit device movable through the aperture. Thus, Quackenbush is directed to a completely different device.

Quackenbush discloses a small diameter plastic capillary tubes manufactured by extrusion using an extrusion die employing an inner tapered sizing pin. This extrusion

pin of Quackenbush should not be confused with the claimed deposit device used to transit the claimed fluid-retaining aperture to pick up a drop of fluid to be deposited on a deposit surface.

Specifically, Quackenbush discloses in Fig. 3 a schematic representation of a portion of an extrusion die 30 for making the hematocrit-replacements tubes shown in Figs. 1 and 2, and in Fig. 4 a representation of a pin portion of the die 30. This die is used on an extrusion process, described in Col. 3, lines 19 – 27, as follows:

The tubes of FIGS. 1 or 2 are made by extrusion through an extrusion die. FIG. 3 shows such a die 30 schematically. Die 30 comprises an outer cylindrical casing 31 with a cylindrical mandrel within the casing. Both the casing and the mandrel are fixed in position along central axis 32, in a manner to define a thin opening (sizing ring) 33 between them. The mandrel terminates in an inner tapered sizing pin which controls the inside diameter of the extruded tubing.

Therefore, Quackenbush discloses a completely different device than the device claimed in claim 102. Claims 103, 104 and 116 – 125 are properly dependent on claim 102. Accordingly, all these claims are clearly patentable and are in condition for allowance.

If the Examiner has any questions, or believes a telephone call will aid examination and advance prosecution of the application, he is respectfully invited to call the undersigned representative.


Please apply any charges or credits to the Deposit Account No. 01-0431.

Respectfully submitted,



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| <p align="center">CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)</p> <p>The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on</p> <p align="center"><i>December 23</i> 2005</p> <p align="center"> Ivan D. Zitkovsky</p> |
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